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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/911,760 07/10/92 BARCLAY

W EXAMINER: 2

DEM1/0809

WEIER, A

ART UNIT PAPER NUMBER

GARY J. CONNELL
1700 LINCOLN STREET
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DENVER, CO 80203

DATE MAILED:

08/09/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice re Patent Drawing, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449. ** See others.*
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 9, 14-36, 42-49, and 53-71 are pending in the application.
Of the above, claims 9, 14-36, 42-49; 63-71 are withdrawn from consideration.

- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 53-62 are rejected.
- ☐ Claims _____ are objected to.

☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

☐ Formal drawings are required in response to this Office action.

☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

☒ Other only sheets 1-9 of 10 were considered. The 10th sheet, however, was not received.

EXAMINER'S ACTION

The preliminary amendment filed July 10 directed to the cancellation of claims 50-72 has been entered-in-part. Claims 50-52 have been cancelled. However, there are no claims numbered 53-72. Consequently claims 73-88 have been renumbered as claims 53-68.

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 9, 14-19 and 63-68, drawn to a process of raising an animal, classified in Class 426, subclass 002.
- II. Claims 20-36, drawn to a process of producing omega HUFAs by culturing a microorganism, classified in Class 435, subclass 135.
- III. Claims 42-49, drawn to a process of selecting unicellular aquatic microorganisms, classified in Class 435, subclass 243.
- IV. Claims 53-62, drawn to a food product from the growth of microorganisms, classified in Class 426, subclass 053.

The groups are separate and distinct one from the other since they require materially different limitations. The process of producing omega HUFA's by fermentation, Group II, does not require the feeding step of Group I or the colony selection step of Group III nor the lipid extraction of Group IV.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ray Penland whose telephone number is (703) 308-3847.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Examiner Ray Penland/om
April 05, 1993

R. B. Penland

R. B. PENLAND
PRIMARY EXAMINER
ART UNIT 132